
Minutes of an ordinary meeting of the Development Support Special Committee held in the Council Chamber of the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 27 March 2023 commencing at 6.00pm

Members attendance

Cr John Beswick
Cr Amanda Diprose
Cr Kate Wylie (proxy)

Cr Garry Carpenter
Cr Philip Viney
Ms Sandra Ayton (General Manager)

Members apologies

Cr Cheryl Fuller (Mayor)

Employees attendance

Director Community Services (Mr Daryl Connelly)
Director Infrastructure Services (Mr Paul Breaden)
Executive Services Officer (Mr Ian Brunt)

Public attendance

One member of the public attended during the course of the meeting.

DIGITAL RECORDING OF COUNCIL MEETINGS

At the commencement of the meeting, the Chairperson is to notify those present that the meeting will be digitally recorded and made publicly available through the Council's website.

Digital recordings will be conducted in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and the Council's *Digital Recording Policy* (109/2022 – 20.04.2022).

ACKNOWLEDGEMENT OF COUNTRY

The Central Coast Council acknowledges and pays respect to the traditional owners of lutrawita (Tasmania), the palawa/pakana people.

We acknowledge the Punnilerpanner tribe of this Northern Country, and in doing so, we celebrate one of the world's oldest continuing cultures.

CONFIRMATION OF MINUTES OF THE COMMITTEE

1/2023 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the previous meeting of the Development Support Special Committee held on 12 September 2022 have already been circulated. The minutes are required to be confirmed for their accuracy.

The *Local Government (Meeting Procedures) Regulations 2015* provide that in confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.”

■ Cr Carpenter moved and Cr Viney seconded, “That the minutes of the previous meeting of the Development Support Special Committee held on 12 September 2022 be confirmed.”

Carried unanimously

CHAIRPERSON’S COMMUNICATIONS

2/2023 Chairperson’s communications

The Chairperson reported as follows:

“Under the terms of appointment of the Development Support Special Committee, it acts in agreed circumstances as if it were the Council and, accordingly, as a planning authority under the *Land Use Planning and Approvals Act 1993*.

Members are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.

In the event that items listed for consideration are referred, under the terms of the Committee’s appointment, to the Council (e.g. any matter the Committee cannot determine unanimously), or if the Committee is unable to make a determination within the relevant statutory time limit, such items will be referred to a meeting of the Council for a decision.”

■ Cr Wylie moved and Cr Diprose seconded, “That the Chairperson’s report be received.”

Carried unanimously

DECLARATIONS OF INTEREST

3/2023 **Declarations of interest**

The Chairperson reported as follows:

“Members are requested to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.”

The Executive Services Officer reports as follows:

“The *Local Government Act 1993* provides that a member must not participate at any meeting of a special committee in any discussion, nor vote on any matter, in respect of which the member has an interest or is aware or ought to be aware that a close associate has an interest.

Members are invited at this time to declare any interest they have on matters to be discussed at this meeting. If a declaration is impractical at this time, it is to be noted that a member must declare any interest in a matter before any discussion on that matter commences.

All interests declared will be recorded in the minutes at the commencement of the matter to which they relate.”

No interests were declared at this time.

4/2023 **Adjournment of meeting**

The Chairperson reported as follows:

“In order to effectively consider the reports before this meeting of the Committee it is appropriate that I adjourn the meeting to enable the related documents to be workshopped prior to resumption of the meeting and formal resolution of the agenda items.”

The meeting adjourned at 6.02pm and resumed at 6.05pm.

DEPUTATIONS

5/2023 **Deputations**

The Executive Services Officer reported as follows:

“No requests for deputations to address the meeting or to make statements or deliver reports have been made.”

OPEN REPORTS

6/2023 **Food Services – Café – Reliance on C2.0 Parking and Sustainable Transport Code – Application No. DA2022327**

The Director Community Services reported as follows:

“The Planning Officer has prepared the following report:

<i>‘DEVELOPMENT APPLICATION No.:</i>	DA2022327
<i>PROPOSAL:</i>	Food Services – Café – Reliance on C2.0 Parking and Sustainable Transport Code
<i>APPLICANT:</i>	Falcon Building Group
<i>LOCATION:</i>	82 Esplanade, Turners Beach
<i>ZONE:</i>	Local Business Zone
<i>OVERLAY:</i>	Turners Beach Specific Area Plan
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> “the Planning Scheme”
<i>ADVERTISED:</i>	1 March 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	15 February 2022
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	24 March 2022 (extension of time until 17 April 2023)
<i>DECISION DUE:</i>	27 March 2023
<i>PURPOSE</i>	

The purpose of this report is to consider an application for Food Services, being an extension of the existing café at 82 Esplanade, Turners Beach.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation; and
- . Annexure 4 – photographs.

BACKGROUND

Development description -

Application has been made for intensification of an existing café located at 82 Esplanade, Turners Beach. An existing residential portion of the building occupies 111m² of floor area, located to the rear of the café.

It is proposed internal alterations be undertaken to convert the residential portion of the building to include function rooms, a dry store area, fridge and freezer storage and staff and customer toilets; all to be associated with the café use of the land. All development would be within the existing footprint of the building. The proposal also shows demolition of a shed at the rear of the café building, to make way for the development of 4 on-site car parking spaces.

The cafe has an existing floor area of 157.6m². The proposal would increase the café floor area by 112m², resulting in the café having a total floor area of 269m².

Food Services is a “Permitted” use under the Local Business Zone. However, the use is “Discretionary” under the Turners Beach Specific Area Plan.

The General Provisions Clause 7.2 of the Planning Scheme allows for existing, lawful “Discretionary” Uses to be treated as “Permitted” use, providing development does not establish a new use or substantially intensify the existing use. The use of the land is substantially intensifying so the application is “Discretionary”.

Site description and surrounding area -

The 802m² site accommodates an existing café with a residence located to the rear of the building. The site is zoned “Local Business” and is located on the southern side of Esplanade, Turners Beach overlooking Crown land that accommodates a children’s play area and access ramp to Turners Beach. The site adjoins General Residential zoned properties to the east, south and west with a portion of the rear boundary of the site adjoining the Turners Beach recreation precinct that accommodates a football oval and other recreation facilities, that are Recreation Zone. Adjoining residential lots are developed with single dwellings and associated outbuildings.

The site falls within the Turners Beach Specific Area Plan.

The site is connected to all reticulated services.

History -

The café, formally known as “La Mar” was sold in 2022 and has been closed to the public since May 2022. Now under new ownership, an application for the refurbishment of the building has been lodged.

DISCUSSION

The following table is the Town Planner’s assessment against the Tasmanian Planning Scheme provisions:

14.0 Local Business Zone

14.1 Zone Purpose

The purpose of the Local Business Zone is:

- 14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.
- 14.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.
- 14.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.
- 14.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.

Planner's comment		
The proposal satisfies the Zone Purpose in that the development would provide for business which meets the needs of a local area.		
CLAUSE	COMMENT	
14.3 Use Standards		
14.3.1 All uses	Not Applicable	Assessment
14.3.1–(A1) Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.	<input type="checkbox"/>	(a) Compliant. The café would operate between 7.00am to 9.00pm Monday to Saturday. (b) Compliant. The café would operate between 8.00am to 9.00pm Sundays and public holidays.

<p>14.3.1 –(A2)</p> <p>External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must:</p> <p>(a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and</p> <p>(b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.</p>	<input type="checkbox"/>	<p>(a) Compliant. External lighting would not operate between the hours of 11.00pm and 6.00am. Permit to be conditioned accordingly.</p> <p>(b) Compliant. No security lighting proposed.</p>
<p>14.3.1 –(A3)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:</p> <p>(a) 7.00am to 9.00pm Monday to Saturday; and</p> <p>(b) 8.00am to 9.00pm Sunday and public holidays.</p>	<input type="checkbox"/>	<p>(a) Compliant. Commercial vehicle movements for unloading and loading use would be within the hours of 7.00am to 9.00pm Monday to Saturday. Permit to be conditioned accordingly.</p> <p>(b) Compliant. Commercial vehicle movements for unloading and loading use would be within the hours of 8.00am to 9.00pm Sunday and public holidays. Permit to be conditioned accordingly.</p>
<p>14.3.2 Discretionary uses</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>14.3.2 –(A1)</p> <p>No acceptable solution.</p> <p>14.3.2 –(P1)</p>	<input type="checkbox"/>	<p>No Acceptable Solution applies.</p> <p>Refer to the “Issues” section of this report.</p>

<p>A use listed as Discretionary must:</p> <p>(a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and</p> <p>(b) be of an intensity that respects the character of the area.</p>		
<p>14.3.2 –(A2)</p> <p>No acceptable solution.</p> <p>14.3.2 –(P2)</p> <p>A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the need to encourage activity at pedestrian levels;</p> <p>(c) the size and scale of the proposed use;</p> <p>(d) the functions of the activity centre and the surrounding activity centres; and</p> <p>(e) the extent that the proposed use impacts on other activity centres.</p>	<input type="checkbox"/>	<p>No Acceptable Solution applies.</p> <p>Refer to the “Issues” section of this report.</p>
<p>14.3.3 Retail impact</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>14.3.3 –(A1)</p> <p>The gross floor area for Bulky Goods Sales and General Retail and Hire uses must be not more than 250m² per tenancy.</p>	<input checked="" type="checkbox"/>	<p>Use is Food Services.</p>

14.4 Development Standards for Buildings and Works		
14.4.1 Building height	Not Applicable	Assessment
14.4.1 –(A1) Building height must be not more than 9m.	<input checked="" type="checkbox"/>	Works are internal. Building height would not alter.
14.4.2 Setbacks		
14.4.2 –(A1) Buildings must be: (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.	<input checked="" type="checkbox"/>	(a) Works are internal. Building setbacks would not alter. (b) Not applicable.
14.4.2 –(A2) Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, of not less than: (a) 4m; or (b) half the wall height of the building, whichever is the greater.	<input checked="" type="checkbox"/>	(a) Works are internal. Building setbacks would not alter. (b) Not applicable.

<p>14.4.2 –(A3)</p> <p>Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone or Low Density Residential Zone.</p> <p><i>An exemption applies for air conditioners and heat pumps in this zone – see Table 4.6. of Planning Scheme.</i></p>	<input checked="" type="checkbox"/>	<p>No additional systems proposed.</p>
<p>14.4.3 Design</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>14.4.3 –(A1)</p> <p>New buildings must be designed to satisfy all the following:</p> <p>(a) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places;</p> <p>(b) roof-top mechanical plant and service infrastructure, including lift structures, must be contained within the roof;</p> <p>(c) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places; and</p> <p>(d) provide external lighting to illuminate external vehicle parking areas and pathways.</p>	<input checked="" type="checkbox"/>	<p>A new building is not proposed.</p>

<p>14.4.3 –(A2)</p> <p>New buildings or alterations to an existing façade must be designed to satisfy all of the following:</p> <p>(a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site;</p> <p>(b) if for a ground floor level façade facing a frontage:</p> <p style="padding-left: 40px;">(i) have not less than 40% of the total surface area consisting of windows or doorways; or</p> <p style="padding-left: 40px;">(ii) not reduce the surface area of windows or doorways of an existing building, if the surface area is already less than 40%;</p> <p>(c) if for a ground floor level façade facing a frontage must:</p> <p style="padding-left: 40px;">(i) not include a single length of blank wall greater than 30% of the length of façade on that frontage; or</p> <p style="padding-left: 40px;">(ii) not increase the length of an existing blank wall, if already greater than 30% of the length of the façade on that frontage; and</p>	<input checked="" type="checkbox"/>	<p>A new building is not proposed.</p>
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(d) provide awnings over a public footpath if existing on the site or on adjoining properties.		
14.4.4 Fencing	Not Applicable	Assessment
<p>14.4.4 –(A1)</p> <p>No acceptable solution.</p> <p><i>An exemption applies for fences in this zone – see Table 4.6</i></p> <p>14.4.4 –(P1)</p> <p>A fence (including a free-standing wall) within 4.5m of a frontage must contribute positively to the streetscape, having regard to:</p> <p>(a) its height, design, location and extent;</p> <p>(b) its degree of transparency; and</p> <p>(c) the proposed materials and construction.</p>	<input checked="" type="checkbox"/>	No fencing proposed.
14.4.5 Outdoor storage areas	Not Applicable	Assessment
<p>14.4.5 –(A1)</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.</p>	<input checked="" type="checkbox"/>	No outdoor storage area.
<p>14.4.6 –(A1)</p> <p>A dwelling must have private open space that has an area not less than:</p>	<input checked="" type="checkbox"/>	No dwelling proposed.

<p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</p>		
<p>14.4.6 –(A2)</p> <p>Each dwelling must be provided with a dedicated and secure storage space of not less than 6m³.</p>	<input checked="" type="checkbox"/>	<p>No dwelling proposed.</p>
<p>14.5 Development Standards for Subdivision</p>		
<p>14.5.1 Lot design</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>14.5.1 –(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 200m² and:</p> <p style="padding-left: 40px;">(i) be able to contain a minimum area of 10m x 12m clear of:</p> <p style="padding-left: 80px;">a. all setbacks required by clause 14.4.2 A1 and A2; and</p> <p style="padding-left: 80px;">b. easements or other title restrictions that limit or restrict development; and</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>

<p>(ii) existing buildings are consistent with the setback required by clause 14.4.2 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>14.5.1 –(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have a frontage, or legal connection to a road by a right of carriageway, of not less than 3.6m.</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>
<p>14.5.1 –(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>
<p>14.5.2 Services</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>14.5.2 –(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a full water supply service if the frontage of</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>

<p>the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot, is within 30m of a connection to a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>		
<p>14.5.2 –(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<input checked="" type="checkbox"/>	
<p>14.5.2 –(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<input checked="" type="checkbox"/>	

CODES

CODES	Not applicable	Assessment
C1.0 Signs Code	<input checked="" type="checkbox"/>	
C2.0 Parking and Sustainable Transport Code	<input type="checkbox"/>	<input checked="" type="checkbox"/> Refer to table below.
C3.0 Road and Railway Assets Code	<input checked="" type="checkbox"/>	
C4.0 Electricity Transmission Infrastructure Protection Code	<input checked="" type="checkbox"/>	

C5.0 Telecommunications Code	<input checked="" type="checkbox"/>	
C6.0 Local Historic Heritage Code	<input checked="" type="checkbox"/>	
C7.0 Natural Assets Code	<input checked="" type="checkbox"/>	
C8.0 Scenic Protection Code	<input checked="" type="checkbox"/>	
C9.0 Attenuation Code	<input checked="" type="checkbox"/>	
C10.0 Coastal Erosion Hazard Code	<input checked="" type="checkbox"/>	
C11.0 Coastal Inundation Hazard Code	<input checked="" type="checkbox"/>	
C12.0 Flood-Prone Areas Hazard Code	<input checked="" type="checkbox"/>	
C13.0 Bushfire-Prone Areas Code	<input checked="" type="checkbox"/>	
C14.0 Potentially Contaminated Land Code	<input checked="" type="checkbox"/>	
C15.0 Landslip Hazard Code	<input checked="" type="checkbox"/>	
C16.0 Safeguarding of Airports Code	<input checked="" type="checkbox"/>	

C2.0 Parking and Sustainable Transport Code

CLAUSE	COMMENT	
C2.5 Use Standards		
C2.5.1 Car parking numbers	Not Applicable	Comments
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking 	<input checked="" type="checkbox"/>	(a) Not applicable. (b) Not applicable. (c) Refer to (d). (d)(i) Refer to (d)(ii). (d)(ii) Non-compliant.

<p>provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p>$N = A + (C - B)$</p>		<p>Existing floor area of 157.6m² would have required 11 (10.5) car parking spaces.</p> <p>Proposed floor area is 269m². This increase would require 18 (17.9) car parking spaces.</p> <p>The difference in car parking requirement would be an additional 7 car parking spaces.</p> <p>Refer to the “Issues” section of this report.</p>
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<p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.</p>		
<p>C2.5.2 Bicycle parking numbers</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. 4 bicycle parking spaces would be provided.</p> <p>(b) Compliant. 4 bicycle parking spaces would be provided.</p>
<p>C2.5.3 Motorcycle parking numbers</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking</p>	<p><input checked="" type="checkbox"/></p>	<p>Based on the number of car parking spaces required, motorcycle parking spaces are not required.</p>

spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.		
C2.5.4 Loading bays	Not Applicable	Assessment
A1 A loading bay must be provided for uses with a floor area of more than 1000m ² in a single occupancy.	<input checked="" type="checkbox"/>	Floor area would not exceed 1,000m ² .
C2.5.5 Number of car parking spaces within General Residential Zone and Inner Residential Zone	Not Applicable	Assessment
A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for: (a) Food Services uses up to 100m ² floor area or 30 seats, whichever is the greater; and (b) General Retail and Hire uses up to 100m ² floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.	<input checked="" type="checkbox"/>	Land is Local Business Zone.
C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas	Not Applicable	Assessment
A1 All parking, access ways, manoeuvring and circulation spaces must:	<input type="checkbox"/>	(a) Compliant. The permit to be conditioned accordingly.

<p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>		<p>(b) Compliant. The permit to be conditioned accordingly.</p> <p>(c) Compliant. The permit to be conditioned accordingly.</p>
<p>C2.6.2 Design and layout of parking areas</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p>	<p><input type="checkbox"/></p>	<p>Compliant.</p> <p>(a)(i) Car parking area to be constructed in accordance with Australian Standard AS2890 and permit to be conditioned accordingly.</p> <p>(a)(ii) Car park would provide for vehicles to enter and exit the site in a forward direction.</p> <p>(a)(iii) Access width would be more than 3m.</p> <p>(a)(iv) Car parking dimensions would be conditioned accordingly to be consistent with the applicable Australian Standard.</p> <p>(a)(v) Car parking manoeuvring would be conditioned accordingly to be</p>

<p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities,</i></p>		<p>consistent with the applicable Australian Standard.</p> <p>(a)(vi) Car parking manoeuvring would be conditioned accordingly to be consistent with the applicable Australian Standard</p> <p>(a)(vii) Car parking to be delineated by line marking accordingly and conditioned accordingly.</p> <p>(b) Car parking to comply with Australian Standard AS2892.</p> <p>A1.2</p> <p>(a) Not applicable.</p> <p>(b) Not applicable.</p> <p>(c) Not applicable.</p>
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<p><i>Off-street parking for people with disabilities.</i>¹</p> <p>¹ Requirements for the number of accessible car parking spaces are specified in part D3 of the <i>National Construction Code 2016</i>.</p>		
<p>C2.6.3 Number of accesses for vehicles</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses,</p> <p>whichever is the greater.</p>	<p><input checked="" type="checkbox"/></p>	<p>(a) Compliant. No new access proposed.</p> <p>(b) Not applicable.</p>
<p>A2</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p><input checked="" type="checkbox"/></p>	<p>Land is Local Business Zone.</p>
<p>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in <i>Australian Standards/ New</i></p>	<p><input checked="" type="checkbox"/></p>	<p>Land is Local Business Zone.</p>

<p><i>Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</i></p>		
<p>C2.6.5 Pedestrian access</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1.1</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p>	<p style="text-align: center;">☒</p>	<p>The intensification of the use requires an additional 7 spaces, that is a Discretionary matter. Existing car parking provided in the Esplanade road reserve and a public footpath separates car parking and the site.</p>
<p>A1.2</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p style="text-align: center;">☒</p>	<p>Not required.</p>

C2.6.6 Loading bays	Not Applicable	Assessment
<p>A1</p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2-2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	<input checked="" type="checkbox"/>	<p>Not required.</p>
<p>A2</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS2890. 2- 2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>.</p>	<input checked="" type="checkbox"/>	<p>Compliant. Commercial vehicles park on Esplanade or at the rear of the building.</p>
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	Not Applicable	Assessment
<p>A1</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <ul style="list-style-type: none"> (a) be accessible from a road, cycle path, bicycle lane, shared path or access way; (b) be located within 50m from an entrance; (c) be visible from the main entrance or otherwise signed; and (d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of 	<input checked="" type="checkbox"/>	<p>Land is Local Business Zone.</p>

<p><i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.</i></p>		
<p>A2</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p> <p>(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking.</i></p>	<input checked="" type="checkbox"/>	<p>Land is Local Business Zone.</p>
<p>C2.6.8 Siting of parking and turning areas</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	<input type="checkbox"/>	<p>Land is Local Business Zone.</p> <p>Plans show additional parking at the rear of the building with standard turning areas.</p>

<p>A2</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p> <p>(b) retain an active street frontage; and</p> <p>(c) not result in parked cars being visible from public places in the adjacent roads.</p>	<input checked="" type="checkbox"/>	<p>Land is Local Business Zone.</p>
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C2.7 Parking Precinct Plan

<p>C2.7.1 Parking precinct plan</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</p> <p>Within a parking precinct plan, on-site parking must:</p> <p>(a) not be provided; or</p> <p>(b) not be increased above existing parking numbers.</p>	<input checked="" type="checkbox"/>	<p>Parking precinct plan does not apply to this site.</p>

SPECIFIC AREA PLANS	Not applicable	Assessment
<p>CCO-S1.0 Forth Specific Area Plan</p>	<input checked="" type="checkbox"/>	
<p>CCO-S2.0 Leith Specific Area Plan</p>	<input checked="" type="checkbox"/>	
<p>CCO-S3.0 Penguin Specific Area Plan</p>	<input checked="" type="checkbox"/>	
<p>CCO-S4.0 Revell Lane Specific Area Plan</p>	<input checked="" type="checkbox"/>	
<p>CCO-S5.0 Turners Beach Specific Area Plan</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Applies. Refer to Table below.

CCO–S5.0 Turners Beach Specific Area Plan

CCO-S5.1 Plan Purpose

The purpose of the Turners Beach Specific Area Plan is:

CCO-S5.1.1 To provide a framework to guide the future development of Turners Beach.

CCO-S5.2 Application of this Plan

CCO-S5.2.1 This Specific Area Plan applies to the area of land designated as Turners Beach Specific Area Plan on the overlay maps.

CCO-S5.2.2 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for and are in addition to the provisions of the General Residential Zone, as specified in the relevant provision.

CCO-S5.3 Local Area Objectives

Sub-clause	Area Description	Local Area Objectives
CCO-S5.3.1.1	Turners Beach Specific Area Plan shown on an overlay map as CCO-S5.3.1.1	<p>The local area objectives of the Turners Beach Specific Area Plan are to:</p> <ul style="list-style-type: none">(a) protect and conserve existing native flora and fauna in a natural state;(b) identify areas vulnerable to coastal inundation by the sea;(c) retain access to the foreshore in a manner that is not disruptive to natural processes;(d) maintain and enhance opportunity for visual outlook to the sea and coastal landmarks;(e) retain an eclectic mix of housing styles at suburban density and with characteristic building setbacks to the street;(f) provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape;(g) provide for buildings that are typically one or two storeys high, oriented to the frontage, and

		<p>separated from the frontage and internal site boundaries;</p> <p>(h) allow commercial buildings to the frontage;</p> <p>(i) employ low, transparent fencing and vegetation to define the frontage; and side and rear boundary fencing that is unobtrusive in terms of colour and material;</p> <p>(j) typically treat the frontage setback for garden and landscape purposes;</p> <p>(k) use measures such as split-level building design or broken form to minimise the scale and bulk of new buildings and additions to existing buildings;</p> <p>(l) use increased setback distances to minimise any potential privacy loss from buildings that are higher than neighbouring dwellings;</p> <p>(m) manage street trees and remnant vegetation to complement and create view corridors in residential areas;</p> <p>(n) retain the generally informal character of the residential area north of the Bass Highway through appropriate street planting, narrowing of streets, and use of swale drains;</p> <p>(o) limit commercial activity to home occupation and local convenience retail;</p> <p>(p) retain sand dunes at the natural beach profile; and provide access through the dunes only at specific and formalised locations;</p> <p>(q) manage the environmental significance of the River Forth estuary area to retain the Eucalypt forest and under-storey; and</p> <p>(r) restrict new development on sand dunes and the River Forth estuary to minor low impact facilities such as toilets and change rooms, and car parking of a size to minimise loss of vegetation and visual quality.</p>
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CCO-S5.6 Use Standards

This sub-clause is not used in this specific area plan.

CCO-S5.7 Development Standards for Buildings and Works

CCO-S5.7.1 Setbacks and building envelope for all buildings

The Acceptable Solution in this clause is in substitution for General Residential Zone – clause 8.4.2 Setback and building envelope for all dwellings A3 and P3 and clause 8.5.1 Non Dwelling Development A2 and P2.

<p>Objective:</p>	<p>That building height:</p> <p>(a) minimises over-shadowing of adjoining sites; (b) protects privacy of adjoining dwellings; and (c) protects view lines.</p>	
<p>Acceptable Solutions</p>	<p>Not applicable</p>	<p>Assessment</p>
<p>A1</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures CCO-S5.1, CCO-S5.2 and CCO-S5.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No dwelling proposed and not a replacement Clause for Local Business Zone.</p>

<ul style="list-style-type: none"> (iii) the side and rear boundaries to a building height of not more than 5.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 		
<p>A2</p> <p>A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to Figures CCO-S5.1, CCO-S5.2 and CCO-S5.3) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and 	<input checked="" type="checkbox"/>	<p>Not a replacement Clause for Local Business Zone.</p>

<p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 5.5m above existing ground level; and</p> <p>(b) only have a setback less than 1.5m from a side or rear boundary if the building:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).</p>		
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CCO-S5.7.2 Vegetation management

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5. Development Standards for Non-dwellings.

Objective:	Vegetation is managed in a sustainable manner.	
Acceptable Solutions	Not applicable	Assessment
<p>A1</p> <p>There must be no clearing or conversion of vegetation within the littoral, riparian and road reserves.</p>	<input checked="" type="checkbox"/>	Not an additional Clause for Local Business Zone.

CCO-S5.7.3 Landscaping

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings.

Objective:	The front of the dwelling is landscaped.	
Acceptable Solutions	Not applicable	Assessment
A1 On a site, excluding an <u>internal lot</u> , not less than 50% of the <u>site</u> area between the <u>frontage</u> and a <u>building</u> containing a <u>dwelling</u> must be landscaped with not less than grass.	<input checked="" type="checkbox"/>	Not an additional Clause for Local Business Zone.

CCO-S5.7.4 Beach access

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Dwellings and clause 8.5. Development Standards for Non-dwellings.

Objective:	Access to the beach or the River Forth is controlled to minimise damage to the ecosystem.	
Acceptable Solutions	Not applicable	Assessment
A1 New vehicular or pedestrian accesses to the beach or River Forth must not be created.	<input checked="" type="checkbox"/>	Not an additional Clause for Local Business Zone.

CCO-S5.8 Development Standards for Subdivision

This sub-clause is not used in this specific area plan.

CCO-S5.9 Tables

This sub-clause is not used in this specific area plan.

CCO CODE LISTS	
CCO-Table C3.1 Other Major Roads	This table is not used in this Local Provisions Schedule.
CCO-Table C6.1 Local Heritage Places	This table is not used in this Local Provisions Schedule.
CCO-Table C6.2 Local Heritage Precincts	This table is not used in this Local Provisions Schedule.
CCO-Table C6.3 Local Historic Landscape Precincts	This table is not used in this Local Provisions Schedule.
CCO-Table C6.4 Places or Precincts of Archaeological Potential	This table is not used in this Local Provisions Schedule.
CCO-Table C6.5 Significant Trees	This table is not used in this Local Provisions Schedule.
CCO-Table C8.1 Scenic Protection Areas	Not applicable to this application.
CCO-Table 8.2 Scenic Road Corridors	This table is not used in this Local Provisions Schedule.
CCO-Table C11.1 Coastal Inundation Hazard Bands AHD levels	Not applicable to this application.
CCO-Applied, Adopted or Incorporated Documents	This table is not used in this Local Provisions Schedule.
CCO-Site-Specific Qualifications	This table is used in this Local Provisions Schedule.

Issues –

1 Clause 14.3.2–(P1 & P2) – Discretionary use –

The Planning Scheme does not have Acceptable Solutions for Clause 14.3.2–(A1).

The Planning Scheme’s Performance Criteria for Clause 14.3.2–(P1) states a use listed as Discretionary must:

- (a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and

Planner’s comment: The use of the property as a café is well established in this area. The footprint of the exiting building will not alter. The increased storage areas and toilet facilities, with some additional function/dining spaces would not cause an unreasonable loss of amenity to property in the adjoining General Residential Zone. A condition of permit will require that fences adjoining residential uses be renewed (made higher), for that part of the fence line that is to accommodate 4 new car parking spaces at the rear of the café.

- (b) be of an intensity that respects the character of the area.

Planner’s comment: Whilst the floor area of the use is increasing, the intensification of the use is predominantly related to increased storage areas and toilet facilities, with some additional function/dining space. The footprint of the existing building will not alter.

The Planning Scheme does not have Acceptable Solutions for Clause 14.3.2–(A2).

The Planning Scheme’s Performance Criteria for Clause 14.3.2–(P2) states a use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to:

- (a) the characteristics of the site;
- (b) the need to encourage activity at pedestrian levels;
- (c) the size and scale of the proposed use;
- (d) the functions of the activity centre and the surrounding activity centres; and

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- (e) the extent that the proposed use impacts on other activity centres.

Planner's comment: The area of Turners Beach, north of the Western Rail Line, is primarily an area of residential use and development with a central recreation precinct that accommodates a variety of different facilities, such as:

- . Sports oval and associated clubrooms/changerooms;
- . Tennis courts;
- . Lawn bowls rinks and associated clubrooms/changerooms;
- . Community Hall; and
- . Public playground.

The café site at 82 Esplanade is the second site in the area that is Local Business Zone. The other Local Business site is vacant land. The intensification of the existing café use would not compromise or distort the functions of an activity centre, the closest which would be in Ulverstone.

2 *Clause – C2.5.1 Car Parking and Sustainable Transport Code –*

The Planning Scheme's Acceptable Solution for Clause C2.5.1–(A1) states that the number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if the number of on-site car parking spaces for the existing use or development specified in the Table is less than the number of car parking spaces for the proposed use or development. This means, on-site car parking spaces must be calculated to determine the difference between the number of existing car parking spaces and the proposed number of car parking spaces, as required under Table C2.1.

The existing floor area of the proposed café is 157.6m², which would require 11 on-site car parking spaces. The increase in the floor area by 111m² results in a total floor area of 269m². The increase in floor area would require a total of 18 on-site car parking spaces.

The difference between the number of existing car parking spaces and the proposed number of car parking spaces is 7 on-site car parking spaces. The application proposes to provide 4

on-site car parking spaces, to be located to the rear of the existing café building.

It should be noted that the existing Food Services use does not provide any on-site car parking spaces.

Based on the proposed number of car parking spaces to be provided, 4 on-site car parking spaces instead of 7, the application is “Discretionary” and an exercise of discretion is required for the development to proceed.

The Planning Scheme’s Performance Criteria for Clause CCO–C2.5.1–(P1) states that the number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regards to:

- (a) The availability of off-street public car parking spaces within reasonable walking distance of the site;

Planner’s comments: There is an unformed car parking area opposite the café, on the northern side of the Esplanade. Council plans to upgrade this area which would provide approximately 15 car parking spaces, not specifically for the café use, however car parking spaces would be available to the public for access to Turners Beach and other uses in the area, including the café.

- (b) The ability of multiple users to share spaces because of:
 - (i) variations in car parking demand over time; or
 - (ii) efficiencies gained by consolidation of car parking spaces;

Planner’s comments: As advised above, the public car parking area on the northern side of the Esplanade opposite the café is available for use by patrons of the café. The proposal also shows demolition of a shed at the rear of the café building to make way for the development of 4 on-site car parking spaces.

- (c) The availability and frequency of public transport within reasonable walking distance of the site;

Planner’s comments: Turners Beach has a number of bus stops with one located in the Esplanade.

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- (d) The availability and frequency of other transport alternatives;

Planner's comments: Other transport alternatives in Turners Beach would include taxis.

- (e) Any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;

Planner's comments: The existing building extends almost the full length of the frontage to the Esplanade. The access strip along the western side of the building and the existing outbuilding, located in the south-western rear corner, constrains the site for parking and manoeuvrability, especially given the narrow access strip for entering and existing traffic. A shed is to be demolished to provide more land area at the rear of the building.

- (f) The availability, accessibility and safety of on-street parking having regard to the nature of the roads, traffic management and other uses in the vicinity.

Planner's comments: Currently, on-street parking is available along both sides of the Esplanade at the front of the existing café. There is a footpath on the southern side of the Esplanade for pedestrian use and the Esplanade has a 50km speed limit.

Council future upgrade works in this area would include a pedestrian crossing, along with other traffic management devices, that would improve pedestrian safety and the overall traffic management of the area once completed.





- (g) The effect on streetscape; and

Planner's comment: The proposed new car parking spaces would be located behind the existing café building which would have little impact on the streetscape.

- (h) Any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.

Planner's comments: Based on the number of spaces to be provided, an assessment by a suitability qualified person was not considered necessary. The proposed car park construction would be conditioned to be in accordance with the relevant Australian Standard for on-site car parking.

Conclusion: The proposal to construct 4 on-site car parking spaces would meet the reasonable needs of the café use. Vehicle manoeuvrability on-site would be somewhat restricted however, staff use of the rear car park would make more parking areas available at the on-street public car park in this area.

Referral advice -

Referral advice from the various Departments of the Council and other service providers is as follows:

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Not applicable.
Building	Standard Building note.
Infrastructure Services	No road or stormwater issues. Standard conditions to apply.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
Other	Not applicable.

CONSULTATION

In accordance with s.57(3) of the *Land Use Planning and Approvals Act 1993*:

- . a site notice was posted;
- . letters to adjoining owners were sent; and
- . an advertisement was placed in the Public Notices section of The Advocate.

Representation -

One representation was received within the prescribed time, a copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

REPRESENTATION 1	
MATTER RAISED	RESPONSE
<p>1 Additional lighting from the development and car headlights projecting into back yards during morning and evening hours.</p>	<p>The cafe would operate within the zone's acceptable hours, as outlined in this report. The proximity of the adjoining dwelling and the existing vegetation at 2-4 Boyes Street, between the new car parking area at 82 Esplanade, provides a form of separation from the proposed car park at the rear of the café.</p> <p>However, increasing the existing fence height would provide additional screening and maintain the current level of residential amenity of the adjoining residential properties along the eastern and southern boundaries of the development site. The installation of a solid fence to a minimum height of 2.1m, along the eastern side boundary and for a 9m length along the southern rear boundary, would ensure the current level of residential amenity is maintained. The permit would be conditioned accordingly.</p>
<p>2 New fence for security purposes separating the new car park from their back yard.</p>	<p>As stated above, the permit would be conditioned to require the installation of a solid fence to a minimum height of 2.1m along the eastern side boundary and for a 9m length along the southern rear boundary.</p>

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possibly costs associated with an appeal against the Council's determination should one be instituted.

CORPORATE COMPLIANCE

The Central Coast Strategic Plan 2014–2024 includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The representation received did not warrant the refusal of the proposed intensification of the existing café (Food Services) use and development of the land. The permit has been conditioned to mitigate the impact of the use to adjoining residential properties.

The application has adequately demonstrated compliance with the applicable Performance Criteria of the *Tasmanian Planning Scheme – Central Coast*.

The grant of a Permit, subject to conditions, is considered to be justified.

Recommendation –

It is recommended that the application for Food Services – Café – Reliance on C2.0 Parking and Sustainable Transport Code at 82 Esplanade, Turners Beach (DA2022327) be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans prepared by Steve Jordan Drafting, Drawing Nos. SJD 22/96–01A, SJD 22/96–02, SJD 22/96–03, SJD 22/96–04A, SJD 22/96–05, SJD 22/96–06, SJD 22/96–07, SJD 22/96–08, SJD 22/96–09, SJD 22/96–10, SJD 22/96–11, SJD 22/96–12, SJD 22/96–13, SJD 22/96–14 and SJD 22/96–15.
- 2 The cafe must operate within the hours:
 - (a) Monday to Saturday 7.00am to 9.00pm.
 - (b) Sunday and Public Holidays 8.00am to 9.00pm.
- 3 External lighting must not operate within the hours of 11.00pm to 6.00am. If for security lighting purposes, the lighting must be baffled so that direct light does not extend into residential properties.

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- 4 The unloading and loading of commercial vehicles must be undertaken within the hours of 7.00am to 9.00pm Monday to Saturday and 8.00am to 9.00pm Sunday and Public Holidays.
 - 5 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.
 - 6 All parking, access ways, manoeuvring and circulation spaces must:
 - (a) be constructed with a durable all-weather pavement;
 - (b) be drained to the public stormwater system; and
 - (c) be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - 7 Four car parking spaces must be constructed in accordance with the car parking plan drawn by Steve Jordan Drafting, Drawing No. SJD 22/96-01A dated October 2022 and must comply with Australian Standard *AS 2890 - Parking facilities, Parts 1-6*. Car parking areas must be constructed and completed prior to the commencement of the use.
 - 8 Shed demolition materials must be disposed of at an approved landfill site.
 - 9 Four bicycle parking spaces must be provided on-site in accordance with Australian Standard *AS 2890 - Part 3 Bicycle parking*.
 - 10 The installation of a solid fence with a minimum height of 2.1m must be constructed along the eastern side boundary of the site for the length of the car parking area and along the rear boundary, from the south-eastern corner, for a minimum length of 9m.
 - 11 Works associated with roads, footpaths, kerb and channel, nature strips, or street trees must be undertaken by the Council, unless alternative arrangements are approved by Council's Director Infrastructure Services, at the developer's cost.
 - 12 Any damage or disturbance to roads, footpaths, kerb and channel, nature strips, street trees or stormwater infrastructure resulting from

activity associated with the development must be rectified to the satisfaction of Council's Director Infrastructure Services, at the developer's cost.

Please Note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 Prior to commencement of works in the road reservation, obtain a 'Works in Road Reservation (Permit)' in accordance with the Council's *Work in Road Reservation Policy*.
- 5 Side boundary fencing must angle down to the public road reserve boundary in accordance with Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Part 1: Off-street car parking, Figure 3.3 "Minimum Sight Lines for Pedestrian Safety".

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Planning Officer's report has been circulated to all Councillors."

■ Cr Carpenter moved and Cr Viney seconded, "That the application for Food Services – Café – Reliance on C2.0 Parking and Sustainable Transport Code at 82 Esplanade, Turners Beach (DA2022327) be approved, subject to the following conditions:

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- 1 The development must be substantially in accordance with the plans prepared by Steve Jordan Drafting, Drawing Nos. SJD 22/96-01A, SJD 22/96-02, SJD 22/96-03, SJD 22/96-04A, SJD 22/96-05, SJD 22/96-06, SJD 22/96-07, SJD 22/96-08, SJD 22/96-09, SJD 22/96-10, SJD 22/96-11, SJD 22/96-12, SJD 22/96-13, SJD 22/96-14 and SJD 22/96-15.
 - 2 The cafe must operate within the hours:
 - (a) Monday to Saturday 7.00am to 9.00pm.
 - (b) Sunday and Public Holidays 8.00am to 9.00pm.
 - 3 External lighting must not operate within the hours of 11.00pm to 6.00am. If for security lighting purposes, the lighting must be baffled so that direct light does not extend into residential properties.
 - 4 The unloading and loading of commercial vehicles must be undertaken within the hours of 7.00am to 9.00pm Monday to Saturday and 8.00am to 9.00pm Sunday and Public Holidays.
 - 5 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.
 - 6 All parking, access ways, manoeuvring and circulation spaces must:
 - (a) be constructed with a durable all-weather pavement;
 - (b) be drained to the public stormwater system; and
 - (c) be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - 7 Four car parking spaces must be constructed in accordance with the car parking plan drawn by Steve Jordan Drafting, Drawing No. SJD 22/96-01A dated October 2022 and must comply with Australian Standard *AS 2890 - Parking facilities, Parts 1-6*. Car parking areas must be constructed and completed prior to the commencement of the use.
 - 8 Shed demolition materials must be disposed of at an approved landfill site.
 - 9 Four bicycle parking spaces must be provided on-site in accordance with Australian Standard *AS 2890 - Part 3 Bicycle parking*.

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- 10 The installation of a solid fence with a minimum height of 2.1 m must be constructed along the eastern side boundary of the site for the length of the car parking area and along the rear boundary, from the south-eastern corner, for a minimum length of 9m.
 - 11 Works associated with roads, footpaths, kerb and channel, nature strips, or street trees must be undertaken by the Council, unless alternative arrangements are approved by Council's Director Infrastructure Services, at the developer's cost.
 - 12 Any damage or disturbance to roads, footpaths, kerb and channel, nature strips, street trees or stormwater infrastructure resulting from activity associated with the development must be rectified to the satisfaction of Council's Director Infrastructure Services, at the developer's cost.

Please Note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 Prior to commencement of works in the road reservation, obtain a 'Works in Road Reservation (Permit)' in accordance with the Council's *Work in Road Reservation Policy*.
- 5 Side boundary fencing must angle down to the public road reserve boundary in accordance with Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Part 1: Off-street car parking, Figure 3.3 "Minimum Sight Lines for Pedestrian Safety".

Carried unanimously

Closure

There being no further business, the Chairperson declared the meeting closed at 6.06 pm.

CONFIRMED THIS DAY OF , 2023.

Chairperson

(ib:dk)

Appendices

Nil.

QUALIFIED PERSON'S ADVICE

The *Local Government Act 1993* (the Act), Section 65 provides as follows:

- “(1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
- (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.”

In accordance with Section 65 of the Act, I certify:

- (i) that the reports within these Development Support Special Committee minutes contain advice, information and recommendations given by persons who have the qualifications and experience necessary to give such advice, information or recommendation;
- (ii) where any advice is directly given by a person who did not have the required qualifications or experience that person has obtained and taken into account another person's general advice who is appropriately qualified or experienced; and
- (ii) that copies of advice received from an appropriately qualified or experienced professional have been provided to the Development Support Special Committee members.



Sandra Ayton
GENERAL MANAGER